

**LAW OFFICES OF
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December 29, 2009

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Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
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Re: Finance Docket No. 35175, *Roseburg Forest Products Co., Timber Products Company, LC, Suburban Propane, LP, Cowley D&L, Inc., Sousa Ag Service, and Yreka Western Railroad Company-Alternative Rail Service-Central Oregon & Pacific Railroad, Inc.*
Ex Parte No. 346 (Sub-No. 25C), *Rail General Exemption Authority-Petition for Partial Revocation of Commodity Exemption-Lumber or Wood Products*

Dear Ms. Brown:

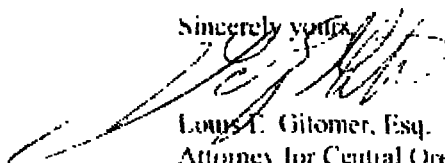
By letter dated December 21, 2009, addressed to Chairman Elliott, the Siskiyou Regional Railroad Authority ("SRRA") requests the Surface Transportation Board to defer action in this proceeding.

SRRA mistakenly claims that the proceeding challenges "the level of CORP's service and the rates CORP charges." The Central Oregon & Pacific Railroad, Inc. ("CORP") wants to clarify that the type of proceeding that is pending is incorrectly portrayed in SRRA's letter. The pending proceeding involves a request for alternative rail service under 49 C.F.R. §1146.1. The proceeding does not challenge the reasonableness of the rates charged by CORP to shippers using the line in issue. As to the service issue, the Board has already concluded "that petitioners have failed to make all of the showings required for the relief they seek" and this proceeding is still pending because the Board gave "the parties an opportunity to submit supplemental information." March 4, 2009 decision at 2. CORP would request the Board to confirm its March 4, 2009 conclusion so that any negotiations involving SRRA can proceed without the specter of this litigation.

Notwithstanding the procedural effect of SRRA's letter, CORP is supportive of SRRA's efforts to strike a deal with Union Pacific to acquire the necessary rights and/or arrange for an alternative operator on the Siskiyou summit, and CORP will consider amending its Lease obligations with Union Pacific to facilitate such an objective.

CORP is e-filing this letter. Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer, Esq.
Attorney for Central Oregon & Pacific Railroad,
Inc.

Cc: Parties of record